

### **REMARKS**

After entry of the foregoing claim amendments, claims 1-12, 15-26 and 28-32 are pending. Claims 1, 12, and 26 have been amended. No claims have been added or canceled. Support for the claim amendments may be found throughout the specification and figures and, for example, at paragraphs [0041] and [0154]-[0166]. No new matter has been added.

Claims 1-11, 15-26 and 28-32 have been allowed. The Applicants acknowledge with appreciation the indication of allowable subject matter.

Claim 12 stands rejected to under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action suggests that “a machine-readable medium” is not disclosed in the specification (see Office Action – Page 2). The Applicants have amended claim 12 to recite “a method implemented in a communication switch” that includes:

- accepting a packet associated with a flow;
- generating a flow group identifier from the flow;
- storing a first data structure in a switch fabric, the first data structure comprising a first entry, the first entry comprising the flow group identifier, an outstanding packet indicator, and a path identifier; and
- storing a second data structure in the switch fabric, the second data structure comprising a second entry, the second entry comprising the path identifier and path status information, wherein the path status information comprises an indication of whether a path failed and an indication of whether the path is congested.

Support for the claim amendments may be found throughout the specification and figures and, for example, at paragraphs [0041] and [0154]-[0166]. Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

Claim 12 further stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office Action suggests that claim 12 is directed to data structures and computer programs that are “descriptive material” and “not statutory, because they are neither physical ‘things’ nor statutory processes ...” (see Office Action – Pages 2-3). As described above, the Applicants have amended claim 12 to recite “a method implemented in a communication switch” that includes:

- accepting a packet associated with a flow;
- generating a flow group identifier from the flow;

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storing a first data structure in a switch fabric, the first data structure comprising a first entry, the first entry comprising the flow group identifier, an outstanding packet indicator, and a path identifier; and  
storing a second data structure in the switch fabric, the second data structure comprising a second entry, the second entry comprising the path identifier and path status information, wherein the path status information comprises an indication of whether a path failed and an indication of whether the path is congested.

Therefore, Applicants respectfully submit that the claimed methods are directed to statutory subject matter. Accordingly, the Applicants respectfully request withdrawal of the objection under 35 U.S.C. § 101.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully submit that claim 12 is allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Hilary A. Reinhardt at (215) 568-3100, to discuss the resolution of any remaining issues.

Respectfully submitted,

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